

REMARKS

Claims 1-11, 14, 15, 17 and 18 have been previously canceled. Claim 19 has been presently canceled. Claims 12 and 28-30 are currently amended and no claim has been added by way of this response. Thus, claims 12, 13, 16 and 20-30 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Sections 102:

Claims 12, 13, 16, 22, 23 and 28 stand rejected under 35 U.S.C §102(e) as being anticipated by Suzuki et al., hereinafter Suzuki.

Claim 12:

Applicants' claim 12 recites in part:

.... the separator is formed from two plates each having rib shaped embossing and touching at contact surfaces, wherein **the rib shaped embossing on each plate includes a plurality of generally straight and parallel ribs and the embossings on one plate have an axis of symmetry that is offset relative to an axis of symmetry on the other plate;**

Claims 28:

Applicants' claim 28 recites in part:

.... wherein the embossing is rib shaped **including generally straight and parallel ribs and the embossings on one plate have an axis of symmetry that is offset relative to an axis of symmetry on the other plate.**

In the Office Action dated July 7, 2009, the Examiner contended that Suzuki anticipates the cited claims. In view of the above amendments, Applicants submit that Suzuki does not disclose each element of independent claims 12 and 28. More specifically, Suzuki does not disclose that the embossings on each plate are generally straight and parallel ribs. Suzuki discloses embossings that included bent shaped ribs or ribs that include undulations or crests in order that fluid flow may be achieved between non-planar subchambers. In addition, claims 12 and 28 include the limitation that the line of symmetry for the embossings on each plate is offset relative to one another. As shown in FIG. 4 of the subject application, offsetting the lines of

symmetry for the plates and their embossings provide for the overflow sections 13 enabling coolant to flow between subchambers on different plates.

Claims 29 and 30 stand rejected under 35 U.S.C. §103(a) as being obvious over Suzuki as it is applied to claim 12. For the reasons stated above, Suzuki does not disclose all the limitations of claims 12 which are also included in claims 29 and 30, and the rejection under §103(a) must also fail.

The Examiner rejected claim 19 under 35 U.S.C. §103(a) over Suzuki in view of Enami. Although claim 19 has been cancelled its limitations have been incorporated in each of the independent claims, and Applicants shall address Enami and its combination with Suzuki. Applicants note that Enami teaches straight cooling channels, and the channels on each plate are disposed perpendicular relative to one another. However, Enami does not include the subchambers, let alone an overflow section; therefore, Enami cannot provide essential elements of Applicants' claimed invention. Moreover, one skilled in the art would not rotate the embossings of the plates of Suzuki because such a combination may render Suzuki inoperable. Suzuki provides the crested ribs in order to offset upper and lower channels to allow fluid flow. There would be no motive to rotate the embossings. Moreover, rotating the embossings would defeat the purpose of providing the crested ribs. Applicants respectfully submit that the combination of Suzuki in view Enami does not teach or suggest Applicants' claimed invention as discussed above and therefore fails to establish a *prima facie* case of obviousness with respect to claims 12 and 28-30. Inasmuch as each of the independent claims is distinguishable over the cited prior art, those claims dependant therefrom are also allowable.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: Aug. 13, 2009

By: Janet D. Hood
Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830